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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,256	11/30/2001	Rudolph Ritter	34182	4217
116	7590	04/02/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,256

Applicant(s)

RITTER, RUDOLPH

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, '1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The application of Ritter for a “method for checking the authorization of users” filed November 30, 2001 has been examined.

This application claims priority to a 371 of PCT/CH99/00298, which is filed on July 6, 1999.

A preliminary amendment to the specification has been entered and made of record.

Claims 1-23 are pending.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to under 37 CFR 1.83(a) because they fail to label boxes (40 and 46) in Figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The drawings are objected to because 42 and 4 are point to the same element in Figure 2.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “400” has been used to designate both a speaker and a timer in Figure 2.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

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Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract using a plurality of paragraphs is implied and should be avoided. Abstract should be limited to a single paragraph. See MPEP 608.01(b).

The disclosure is objected to because of the following informalities: "the terminal (4)" (page 4 line 19; page 6 line 8; page 8 line 3) and "the identification module (4)" (page 5 line 1, page 6 line 19) have different meaning, however, they refer to the same element; and also "the terminal 4" comprises "the identification module (40)" in Figures 1-2 and 5 and page 9 lines 27 to 30 and they refer to the same element.

"a chip (41)" (page 5, line 5) and "the contactless interface (41)" (page 6 line 4, page 6 line 14) have different meaning, however, they refer to the same element.

Consistent reference verbose term is required.

The disclosure is objected to because of the following informalities: page 9 line 17, "sender 1, 7, 8 (Fig. 2)" should be referred to Figure 5.

The disclosure is objected to because of the following informalities: page 10 line 10, "a list of authorizations resp." is not clear what is mean.

Claim Objections

Claim 1 is objected to because of the following informalities: the acronym "VRD" is not defined by the claim. Appropriate correction is required.

Claim 16 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797).

Referring to claims 1 and 17, Sehr discloses a method for checking the tickets of users of public transportation (column 2 lines 7 to 26; see Figure 1), with the following steps:

storing of authorization data (i.e. a ticket information) in a portable personal identification module (11) (i.e. an electronic passenger card) of the user (column 6 lines 16 to 38; column 13 lines 39 to 63; see Figures 1-3),

storing of biometric identification data (i.e. a biometric information) that are specific to the user's outer appearance in said personal identification module (11) (column 6 lines 52 to 61; column 13 lines 4 to 38),

contactless transmission of said identification and authorization data in a portable authorization-checking device (12) (i.e. card reader) (column 6 line 39 to 51; column 8 line 59 to column 9 line 19; column 13 line 4 to 38),

visual reproduction (i.e. display) of said identification and authorization data (column 6 lines 16 to 51; column 8 line 59 to column 9 line 19).

However, Sehr did not explicitly disclose further comprising visual reproduction of said identification and authorization data with a VRD device.

In the same field of endeavor of identifying objects device, Cousins et al. teach that visual reproduction of said identification and authorization data with a VRD device (100) (i.e. an imaging device) (column 5 lines 16 to 38; column 6 lines 19 to 63; column 13 lines 5 to 48) in order to use in many applications for identifying objects based on their image characteristics.

One of ordinary skilled in the art recognizes the need to use a virtual retinal display to provide a real image of Cousins et al. in the display of information in the data access travel system of Sehr because Sehr suggests it is desired to provide that information data related to tickets, passenger and system entities to be displayed (column 6 lines 16 to 38) and Cousins et al. teach that using a virtual retinal display for identifying objects based on their image

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characteristics to perform a security at airports allows scanning of people or things in any place at any time (column 13 lines 5 to 47) in order to provide a flexible and effective image display device of a security system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use a virtual retinal display to provide a real image of Cousins et al. in the display of information in the data access travel system of Sehr with the motivation for doing so would have been to provide a flexible and convenient device to display information related to users in order to operate a travel system more efficient at any place at any time.

Referring to claim 7, Sehr in view of Cousins et al. disclose a method of claim 1, Sehr discloses wherein said biometric parameters comprise an image of said user (column 7 lines 10 to 15; column 11 lines 53 to 62).

Referring to claim 13, Sehr in view of Cousins et al. disclose a method of claim 1, Sehr discloses wherein data from central data processing means (2 or 1) (i.e. travel center or card station) can be transmitted over said contactless interface to at least one said terminal (4) (column 6 line 39 to 51; column 8 line 59 to column 9 line 19; column 13 line 4 to 38; see Figure 1).

Claims 2-3, 9-12, 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) as applied to claims 1 and 17 and in further view of Jachimowicz et al. (EP 0 564 940 A1).

Referring to claims 2 and 19, Sehr in view of Cousins et al. disclose a method of claims 1 and 17, however, Sehr in view of Cousins et al. did not explicitly disclose wherein said authorization-checking device has controls with which the user of the authorization-checking device can select which data he wishes to check.

In the same field of endeavor of identifying objects device, Jachimowicz et al. teach that authorization-checking device (10) (i.e. a personal communicator) has controls with which the user of the authorization-checking device can select which data he wishes to check (column 6 lines 5 to 33; column 9 line 34 to column 10 line 44; see Figures 5, 10-11).

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a operating switch of a personal communicator to select a portion of image of a desired information of Jachimowicz et al. in a smart passenger card of Sehr in view of Cousins et al. because the desired information to be viewed is selected would improve the efficient and flexible personal communication device that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al.

Referring to claims 3 and 20, Sehr in view of Cousins et al. disclose a method of claims 2 and 19, Jachimowicz et al. disclose wherein said controls are controlled with the eye of the user (column 5 line 24 to column 6 line 4; see Figures 3-4, and 7).

Referring to claim 8, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein data and programs can be downloaded over an additional

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radio receiver (15-19) in said identification module (10) (column 2 line 36 to column 3 line 26; see Figure 1).

Referring to claim 9, Sehr in view of Cousins et al. disclose a method of claim 8, Jachimowicz et al. disclose wherein blocking data can be downloaded over said radio receiver (15) (column 2 line 50 to column 3 line 1; see Figures 1 and 2).

Referring to claim 10, Sehr in view of Cousins et al. disclose a method of claim 8, Jachimowicz et al. disclose wherein timetables can be downloaded over said radio receiver (15) (column 2 line 50 to column 3 line 1; see Figures 1 and 2).

Referring to claim 11, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein certain data of a plurality of users are transmitted in a first step over said interface, wherein these data are reproduced with said authorization-checking device (90), wherein a specific user is selected and wherein additional data of this selected user are transmitted over said contactless interface and reproduced (column 9 lines 20 to 55; column 10 lines 27 to 46; see Figures 10 and 11).

Referring to claim 12, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein data from central data processing means (i.e. a broadcast television) can be transmitted over said contactless interface (i.e. RF radio) to said authorization-

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checking device (30) (i.e. a personal communicator) (column 4 line 7 to column 5 line 4; see Figure 2).

Referring to claims 14 and 16, Sehr in view of Cousins et al. disclose a method of claim 13, Jachimowicz et al. disclose wherein at least certain of said data transmitted over an additional radio receiver (15) comprise blocking data for blocking said identification module (column 2 line 36 to column 3 line 26; see Figure 1).

Referring to claim 15, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein data from an external sender (not shown) (i.e. broadcast station of radio) can be transmitted over an additional radio receiver (13-18) in the terminal (30) (column 2 lines 36 to column 3 line 26; see Figures 1-2).

Referring to claim 18, Sehr in view of Cousins et al. disclose the portable authorization-checking device of claim 17, Jachimowicz et al. disclose in the form of glasses (column 7 lines 26 to 31; see Figure 7).

Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) and Jachimowicz et al. (EP 0 564 940 A1) as applied to claims 2 and 17 and in further view of Brown et al. (US# 6,366,622).

Referring to claims 4 and 21, Sehr in view Cousins et al. and Jachimowicz et al. disclose the portable authorization-checking device of claims 2 and 17, however, Sehr in view of Cousins et al. and Jachimowicz et al. did not explicitly disclose wherein said personal identification module comprises a RFID element.

In the same field of endeavor of wireless communication system, Brown et al. teach that personal identification module comprises a RFID element (100) (column 10 line 17 to 31; see Figures 4 and 8) in order to operate more efficient in a wireless communication network.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a radio frequency of a direct conversion radio device of Brown et al. in a smart passenger card of Sehr in view of Cousins et al. and Jachimowicz et al. because using a radio frequency identification card would improve the reliable and flexible communication interface that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al. and Jachimowicz et al.

Claims 5-6 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) as applied to claims 1 and 17 and in further view of Brown et al. (US# 6,366,622).

Referring to claims 5-6 and 22-23, Sehr in view Cousins et al. disclose the portable authorization-checking device of claims 1 and 17, however, Sehr in view of Cousins et al. did not explicitly disclose wherein said data are transmitted over a Bluetooth or HomeRF interface.

In the same field of endeavor of wireless communication system, Brown et al. teach that wherein said data are transmitted over a Bluetooth or HomeRF interface (column 3 line 11 to 61; column 21 lines 25 to 42; see Figure 14) in order to operate more efficient in a wireless communication network.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a radio frequency of a direct conversion radio with a Bluetooth or HomeRF wireless communications standards of Brown et al. in a smart passenger card of Sehr in view of Cousins et al. because using a radio frequency card over a Bluetooth or HomeRF wireless communications standards would improve the reliable and flexible communication interface that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lefevre (US# 4,977,501) discloses a fare collection system using microwaves.

Elliott et al. (US# 5,036,461) disclose a two-way authentication system between user's smart card and issuer-specific plug-in application modules in multi-issued transaction.

Miyata (US# 5,095,196) discloses a security system with imaging function.

Axelrod et al. (US# 5,337,358) disclose an apparatus for recording a transaction including authenticating an identification card.

Tidwell (US# 6,043,799) discloses a virtual retinal display with scanner array for generating multiple exit pupils.

Bergner et al. (US# 6,149,272) disclose an arrangement for projecting a two-dimensional image onto an eye to be examined for use with a device that performs a subjective determination of refraction and/or a device that performs other vision functions.

Al-Sheikh (US# 6,137,895) discloses a method for verifying the identity of a passenger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
March 19, 2004



MICHAEL HORABIK
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